

---

---

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

---

CLYDE E. BROOKS, §  
§  
Plaintiff, §  
§  
versus § CIVIL ACTION NO. 1:09-CV-605  
§  
REGINALD GOINGS, *et al.*, §  
§  
Defendants. §

**MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Clyde E. Brooks, a prisoner confined at the Larry Gist State Jail, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case without prejudice for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. However, the plaintiff filed a motion to dismiss the action. After due consideration, the court is of the opinion that the motion should be granted, and the case should be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1).

O R D E R

Accordingly, the plaintiff's motion to dismiss the case is **GRANTED**. The report of the magistrate judge is **ADOPTED** to the extent that it recommends dismissing the action. A final judgment will be entered in this case in accordance with this memorandum order.

SIGNED at Beaumont, Texas, this 25th day of August, 2009.

*Marcia A. Crone*

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE